

[death or imprisonment for life; a fine of nmt \$250,000 plus a period of supervised release nmt 5 yrs.; together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

COUNT TWO

On or about October 18, 2010, in the Western District of Tennessee, the defendant,

----- **CHASTAIN MONTGOMERY, SR.** -----

being aided and abetted by Chastain Montgomery, Jr., a person now deceased, did, with malice aforethought and in the perpetration of a robbery, unlawfully kill an employee of the United States, that is, Judy Spray, an employee of the United States Postal Service, while Judy Spray was engaged in the performance of official duties; in violation of Title 18, United States Code, Sections 1114(1) and 2.

[death or imprisonment for life; a fine of nmt \$250,000 plus a period of supervised release nmt 5 yrs.; together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

COUNT THREE

On or about October 18, 2010, in the Western District of Tennessee, the defendant,

----- **CHASTAIN MONTGOMERY, SR.** -----

being aided and abetted by Chastain Montgomery, Jr., a person now deceased, did rob a person having lawful charge, control and custody of mail matter, money, and property of the United States, that is, Paula Robinson and Judy Spray, employees of the United States Post Office in Henning, Tennessee, of money of the United States, and in effecting such robbery did put the life of a person having custody of such money in jeopardy by the use of a dangerous weapon, that is, a firearm; in violation of Title 18, United States Code, Sections 2114(a) and 2.

[nmt 25 yrs; nmt \$250,000 fine, or both, plus a period of supervised release nmt 5 yrs., together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

COUNT FOUR

On or about October 18, 2010, in the Western District of Tennessee, the defendant,

----- **CHASTAIN MONTGOMERY, SR.** -----

being aided and abetted by Chastain Montgomery, Jr., a person now deceased, did, during and in relation to a crime of violence for which a person may be prosecuted in a court of the United States, that is, "Robbery of Mail, Money or Other Property of the United States" in violation of Title 18, United States Code, Section 2114(a), knowingly use and carry a firearm; in violation of Title 18, United States Code, Sections 924(c) and 2.

[nlt 10 yrs; nmt life to be served consecutively to any other term of imprisonment; nmt \$250,000 fine, or both, plus a period of supervised release nmt 5 yrs., together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

COUNT FIVE

On or about October 18, 2010, in the Western District of Tennessee, the defendant,

----- **CHASTAIN MONTGOMERY, SR.** -----

being aided and abetted by Chastain Montgomery, Jr., a person now deceased, did, in the course of a violation of Title 18, United States Code, Section 924(c), unlawfully and with malice aforethought cause the death of a person, that is, Paula Robinson, through the use of a firearm; in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

[death or imprisonment for any term of years or for life; nmt \$250,000; a period of supervised release nmt 5 yrs., together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

COUNT SIX

On or about October 18, 2010, in the Western District of Tennessee, the defendant,

----- **CHASTAIN MONTGOMERY, SR.** -----

being aided and abetted by Chastain Montgomery, Jr., a person now deceased, did, in the course of a violation of Title 18, United States Code, Section 924(c), unlawfully and with malice aforethought cause the death of a person, that is, Judy Spray, through the use of a firearm; in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

[death or imprisonment for any term of years or for life; nmt \$250,000; a period of supervised release nmt 5 yrs., together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

COUNT 7

From on or about August 30, 2010, and continuing thereafter until on or about February 14, 2011, in the Western District of Tennessee, and elsewhere, the defendant,

----- **CHASTAIN MONTGOMERY, SR.** -----

and Chastain Montgomery, Jr., a person now deceased, knowingly and willfully conspired and agreed together and with each other to commit offenses against the United States, that is: (a) robbery of United States Postal Service employees having custody of money and property of the United States, in violation of Title 18, United States Code, Section 2114(a); and (b) robbery of banks and credit unions, in violation of Title 18, United States Code, Section 2113(a).

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts were committed in the Western District of Tennessee and the Middle District of Tennessee:

- (a) On August 30, 2010, **CHASTAIN MONTGOMERY, SR.**, purchased a Smith & Wesson .40 caliber semiautomatic pistol in Nashville, Tennessee.
- (b) On October 15, 2010, **CHASTAIN MONTGOMERY, SR.**, purchased a Ruger 9mm semiautomatic pistol in Nashville, Tennessee.
- (c) On or about October 18, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., drove in **CHASTAIN MONTGOMERY, SR.**'s black Chevrolet Impala from the Nashville, Tennessee area to Henning, Tennessee.
- (d) On or about October 18, 2010, **CHASTAIN MONTGOMERY, SR.**,

transported the Smith & Wesson .40 caliber and Ruger 9mm pistols he had previously purchased in Nashville, Tennessee to Henning, Tennessee.

- (e) On or about October 18, 2010, **CHASTAIN MONTGOMERY, SR.**, provided Chastain Montgomery, Jr., with the Ruger 9mm pistol to use in the robbery of the United States Post Office in Henning, Tennessee.
- (f) On October 18, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., entered the United States Post Office in Henning, Tennessee.
- (g) On October 18, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., robbed the United States Post Office in Henning, Tennessee.
- (h) On October 18, 2010, **CHASTAIN MONTGOMERY, SR.**, using the Smith & Wesson .40 caliber pistol he had previously purchased in Nashville, Tennessee, shot and killed United States Postal Service employee Paula Robinson inside the United States Post Office in Henning, Tennessee.
- (i) On October 18, 2010, Chastain Montgomery, Jr., using the Ruger 9mm pistol provided to him by **CHASTAIN MONTGOMERY, SR.**, shot and killed United States Postal Service employee Judy Spray inside the United States Post Office in Henning, Tennessee.
- (j) On October 18, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., after robbing the United States Post Office in Henning, Tennessee, drove back to Nashville, Tennessee area in **CHASTAIN**

MONTGOMERY, SR.'s, black Chevrolet Impala.

- (k) On October 26, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., stole a Nissan Frontier pickup truck in Smyrna, Tennessee to use as a getaway vehicle for a bank robbery.
- (l) On October 29, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., being aided and abetted each by the other, robbed at gunpoint Southeast Financial Credit Union in Lavergne, Tennessee, using the Nissan Frontier pick-up stolen on October 26, 2010, as the getaway vehicle.
- (m) On November 29, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery Jr., stole a Chevrolet Venture minivan in Lavergne, Tennessee to use as a getaway vehicle for a bank robbery.
- (n) On November 29, 2010, **CHASTAIN MONTGOMERY, SR.**, and Chastain Montgomery, Jr., being aided and abetted each by the other, robbed at gunpoint the Mid-South Bank, Smyrna, Tennessee, using the Chevy Venture minivan stolen on November 29, 2010, as the getaway vehicle.
- (o) On February 11, 2011, **CHASTAIN MONTGOMERY, SR.**, sent a text message to Chastain Montgomery, Jr., stating, "We need to discuss an escape route."
- (p) On February 14, 2011, Chastain Montgomery Jr., stole at gunpoint a Chevrolet pickup truck from a person in Nashville, Tennessee.
- (q) On February 14, 2011, Chastain Montgomery, Jr., drove in the stolen

Chevrolet pickup truck from Nashville, Tennessee to Mason, Tennessee.

- (r) On February 14, 2011, Chastain Montgomery, Jr., transported the Ruger 9mm pistol that **CHASTAIN MONTGOMERY, SR.**, had previously provided to him, a .45 caliber Glock pistol, and a .380 pistol, from Nashville, Tennessee to Mason, Tennessee.
- (s) On February 14, 2010, **CHASTAIN MONTGOMERY, SR.**, driving his black Chevrolet Impala, followed Chastain Montgomery, Jr., from Nashville, Tennessee to Mason, Tennessee.
- (t) On February 14, 2011, **CHASTAIN MONTGOMERY, SR.**, transported the Smith & Wesson .40 caliber pistol he had previously purchased in Nashville, Tennessee in August 2010, two (2) Mossberg 12 gauge shotguns, a Remington 12 gauge shotgun, a Springfield 9mm pistol, a Rossi .357 Magnum revolver, a large amount of ammunition, ski masks and latex gloves from Nashville, Tennessee to Mason, Tennessee.
- (u) On February 14, 2011, Chastain Montgomery, Jr., fired shots at police officers in Mason, Tennessee.

All in violation of Title 18, United States Code, Section 371.

[nmt 5 yrs; nmt \$250,000 fine, plus a period of supervised release nmt 3 yrs., together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

NOTICE OF SPECIAL FINDINGS

(a) The allegations of counts One, Two, Five, and Six of this indictment are hereby realleged as if fully set forth herein and incorporated by reference.

(b) As to Counts One, Two, Five, and Six of this indictment, the defendant **CHASTAIN MONTGOMERY, SR.:**

- (1) was more than 18 years of age at the time of the offense (Title 18, United States Code, Section 3591(a));
- (2) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));
- (3) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));
- (4) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));
- (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

- (6) in the commission of the offense knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5));
- (7) committed the offense in the expectation of receipt of anything of pecuniary value (Title 18, United States Code, Section 3592(c)(8));
- (8) committed the offense after substantial planning and premeditation to cause the death of a person (Title 18, United States Code, Section 3592(c)(9));
- (9) intentionally killed more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

A TRUE BILL:

FOREPERSON

DATE: _____

EDWARD L. STANTON, III
UNITED STATES ATTORNEY